IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 23273 of 2007(U)

PETITIONER:

M.M.MOHAMMED MUSTAFA RAWTHER,
PRINCIPAL, DARUL ULOOM TRAINING COLLEGE,
VAZHAKKAD, P.O.VAZHAKKAD, MALAPPURAM DIST.,
RESIDING AT MADATHIL HOUSE, PUTHUKODU P.O.,
MALAPPURAM DISTRICT, PIN-673 633.

BY ADV. SRI.SHIRAZ ABDULLA

RESPONDENTS:

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1. SECRETARY,
DARUL ULOOM TRAINING COLLEGE, VAZHAKKAD,
P.O.VAZHAKKAD, MALAPPURAM DISTRICT.

2. K.P.MAHAMOOD,
MANAGER, DARUL ULOOM TRAINING COLLEGE,
VAZHAKKAD, P.O.VAZHAKKAD, MALAPPURAM DISTRICT.

3. THE REGISTRAR,
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P.O.,
KOZHIKODE.

BY ADV. SRI.P.C. SASIDHARAN, SC, CALICUT UNIVERSITY
SRI. GEORGE POONTHOTTAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 23273/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE APPOINTMENT ORDER ISSUED BY THE 2ND RESPONDENT DT. 1.5.06

EXT.P2. COPY OF THE LETTER DT. 26.5.06 ISSUED BY THE 1ST RESPONDENT

EXT.P3. COPY OF THE LIST OF TEACHING AND SUPPORTING STAFFS SENT BY THE PETITIONER AS PRINCIPAL OF DARUL ULOOM TRAINING COLLEGE, VAZHAKKAD

EXT.P4. COPY OF THE LETTER FORWARDED FROM THE 3RD RESPONDENT TO THE REGIONAL DIRECTOR, NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE) PERTAINING TO THE CORE-TEACHING STAFF APPOINTED IN THE COLLEGES

EXT.P5. COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER

RESPONDENT'S EXHIBITS:

EXT.R1(a). COPY OF THE MEMO DT. 14.6.07 GIVEN TO THE WRIT PETITIONER

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 23273 OF 2007

Dated this the 13th day of August, 2007

J U D G M E N T

Petitioner, who is now working as Principal in an unaided recognised Training College admittedly being run by a Private Trust, is left with Ext.P5 order of termination in his hands. Though there is force in the contention raised by the petitioner that the unceremonious manner in which he has been shown the door is totally illegal and arbitrary, I am not satisfied that this is a fit case in which this Court should intervene and exercise its discretionary jurisdiction under Article 226 of the Constitution of India. The respondent management has sought to justify its action contending inter alia that the petitioner had given his consent to accept an assignment in another college. Some other vague allegations have also been made against the petitioner to which I do not propose to refer at this stage, particularly since the petitioner has vehemently refuted them in his reply statement and since the same will undoubtedly fall in the realm of disputed question of fact. Suffice it to say that the matter has to be sorted out between the parties outside

the Court.

In the peculiar facts and circumstances of this case, I am of the view that Ext.P5 order of termination has to be treated as a quit notice. Learned counsel for the management submits that the management is prepared to pay one month's salary to the petitioner in lieu of notice. In the peculiar facts and circumstances, I do not propose to deal with the issue any further. The management shall pay salary for one month to the petitioner within one week from today.

The writ petition is closed.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007